
SENATE BILL 6370

State of Washington

60th Legislature

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By Senators Delvin, Kohl-Welles, Hewitt, Kauffman, and Shin

Read first time 01/16/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to alarm system companies; amending RCW 18.170.020,
2 18.170.070, 18.170.080, 18.170.110, 18.170.120, 18.170.130, 18.170.160,
3 and 18.170.300; reenacting and amending RCW 18.170.010; adding a new
4 section to chapter 9.96A RCW; adding new sections to chapter 18.170
5 RCW; prescribing penalties; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 18.170.010 and 2007 c 306 s 1 and 2007 c 154 s 1 are
8 each reenacted and amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

11 (1) "Alarm response runner" means a person employed by a private
12 security company or alarm system company to respond to alarm system
13 signals.

14 (2) "Alarm system" means an alarm system, burglar alarm signal
15 device, burglar alarm, robbery alarm, television camera, still camera,
16 or an assembly of equipment and devices used to detect or signal the
17 presence of an emergency, any unauthorized intrusion, movement, or exit
18 at a protected premises, other than in a vehicle, to which law
19 enforcement, emergency services, private security guards, or alarm

1 system employees are expected to respond. The system's functions
2 include, solely or in combination: Burglary detection, fire detection,
3 access control, or closed circuit television.

4 (3) "Alarm system company" includes any individual, firm,
5 corporation, partnership, association, company, society, manager,
6 contractor, subcontractor, bureau, agency, service, office, or an agent
7 of any of the foregoing licensed under this chapter and engaged in
8 providing the services of: (a) Surveying the property for purposes of
9 installing an alarm system; (b) physically installing, servicing,
10 maintaining, repairing, or monitoring an alarm system for the customer;
11 or (c) responding to a distress call or an alarm sounding from an alarm
12 system.

13 (4) "Alarm system employee" means a person who personally sells or
14 provides alarm system services, an individual registered to perform
15 installation and repair of alarm systems, an individual who acts as an
16 alarm system installer for purposes of this chapter if the individual
17 installs, maintains, or repairs an alarm system, an alarm response
18 runner, or an individual who acts as an alarm system monitor for
19 purposes of this chapter if the individual monitors an alarm system or
20 detection device.

21 (5) "Armed private security guard" means a private security guard
22 who has a current firearms certificate issued by the commission and is
23 licensed as an armed private security guard under this chapter.

24 ~~((+2))~~ (6) "Armored vehicle guard" means a person who transports
25 in an armored vehicle under armed guard, from one place to another
26 place, valuables, jewelry, currency, documents, or any other item that
27 requires secure delivery.

28 ~~((+3) "Burglar alarm response runner" means a person employed by a~~
29 ~~private security company to respond to burglar alarm system signals.~~

30 ~~(4) "Burglar alarm system" means a device or an assembly of~~
31 ~~equipment and devices used to detect or signal unauthorized intrusion,~~
32 ~~movement, or exit at a protected premises, other than in a vehicle, to~~
33 ~~which police or private security guards are expected to respond.~~

34 ~~(+5))~~ (7) "Chief law enforcement officer" means the elected or
35 appointed police administrator of a municipal, county, or state police
36 or sheriff's department that has full law enforcement powers in its
37 jurisdiction.

1 ~~((6))~~ (8) "Classroom instruction" means training that takes place
2 in a setting where individuals receiving training are assembled
3 together and learn through lectures, study papers, class discussion,
4 textbook study, or other means of organized formal education
5 techniques, such as video, closed circuit, or other forms of electronic
6 means, and as distinguished from individual instruction.

7 ~~((7))~~ (9) "Commission" means the criminal justice training
8 commission established in chapter 43.101 RCW.

9 ~~((8))~~ (10) "Department" means the department of licensing.

10 ~~((9))~~ (11) "Department-certified trainer" means any person who
11 has been approved by the department by receiving a passing score on a
12 department-administered examination, to administer department-provided
13 examinations and attest that training or testing requirements have been
14 met.

15 ~~((10))~~ (12) "Director" means the director of the department of
16 licensing.

17 ~~((11))~~ (13) "Employer" includes any individual, firm,
18 corporation, partnership, association, company, society, manager,
19 contractor, subcontractor, bureau, agency, service, office, or an agent
20 of any of the foregoing that employs or seeks to enter into an
21 arrangement to employ any person as a private security guard or an
22 alarm system employee.

23 ~~((12))~~ (14) "Firearms certificate" means the certificate issued
24 by the commission.

25 ~~((13))~~ (15) "Individual instruction" means training that takes
26 place either on-the-job or through formal education techniques, such as
27 video, closed circuit, internet, or other forms of electronic means,
28 and as distinguished from classroom instruction.

29 ~~((14))~~ (16) "Licensee" means a person granted a license required
30 by this chapter.

31 ~~((15))~~ (17) "Person" includes any individual, firm, corporation,
32 partnership, association, company, society, manager, contractor,
33 subcontractor, bureau, agency, service, office, or an agent or employee
34 of any of the foregoing.

35 ~~((16))~~ (18) "Primary responsibility" means activity that is
36 fundamental to, and required or expected in, the regular course of
37 employment and is not merely incidental to employment.

1 (~~(17)~~) (19) "Principal corporate officer" means the president,
2 vice president, treasurer, secretary, comptroller, or any other person
3 who performs the same functions for the corporation as performed by
4 these officers.

5 (~~(18)~~) (20) "Private security company" means a person or entity
6 licensed under this chapter and engaged in the business of providing
7 the services of private security guards on a contractual basis.

8 (~~(19)~~) (21) "Private security guard" means an individual who is
9 licensed under this chapter and principally employed as or typically
10 referred to as one of the following:

- 11 (a) Security officer or guard;
- 12 (b) Patrol or merchant patrol service officer or guard;
- 13 (c) Armed escort or bodyguard;
- 14 (d) Armored vehicle guard;
- 15 (e) (~~Burglar~~) Alarm response runner; or
- 16 (f) Crowd control officer or guard.

17 (~~(20)~~) (22) "Qualifying agent" means an officer or manager of a
18 corporation who meets the requirements set forth in this chapter for
19 obtaining a license to own or operate a private security company or an
20 alarm system company.

21 (~~(21)~~) (23) "Sworn peace officer" means a person who is an
22 employee of the federal government, the state, a political subdivision,
23 agency, or department branch of a municipality, or other unit of local
24 government, and has law enforcement powers.

25 **Sec. 2.** RCW 18.170.020 and 2007 c 154 s 2 are each amended to read
26 as follows:

27 (1) The requirements of this chapter do not apply to:

28 (~~(1)~~) (a) A person who is employed exclusively or regularly by
29 one employer and performs the functions of a private security guard
30 solely in connection with the affairs of that employer, if the employer
31 is not a private security company;

32 (~~(2)~~) (b) A sworn peace officer while engaged in the performance
33 of the officer's official duties;

34 (~~(3)~~) (c) A sworn peace officer while employed by any person to
35 engage in off-duty employment as a private security guard, but only if
36 the employment is approved by the chief law enforcement officer of the
37 jurisdiction where the employment takes place and the sworn peace

1 officer does not employ, contract with, or broker for profit other
2 persons to assist him or her in performing the duties related to his or
3 her private employer; (~~or~~

4 ~~(4)~~) (d)(i) A person performing crowd management or guest services
5 including, but not limited to, a person described as a ticket taker,
6 usher, door attendant, parking attendant, crowd monitor, or event staff
7 who:

8 ~~((a))~~ (A) Does not carry a firearm or other dangerous weapon
9 including, but not limited to, a stun gun, taser, pepper mace, or
10 nightstick;

11 ~~((b))~~ (B) Does not wear a uniform or clothing readily
12 identifiable by a member of the public as that worn by a private
13 security officer or law enforcement officer; and

14 ~~((c))~~ (C) Does not have as his or her primary responsibility the
15 detainment of persons or placement of persons under arrest.

16 (ii) The exemption provided in this subsection (1)(d) applies only
17 when a crowd has assembled for the purpose of attending or taking part
18 in an organized event, including preevent assembly, event operation
19 hours, and postevent departure activities;

20 (e) An officer or employee of the United States or of this state or
21 a political subdivision thereof, while engaged in the performance of
22 the officer's official duties;

23 (f) The installation, servicing, monitoring, or responding to an
24 alarm device that is installed in a motor vehicle, aircraft, or boat;

25 (g) A person or company entity who owns, installs, or monitors
26 alarm systems, on his or her own property whether owned or leased, or,
27 if he or she does not charge for the system or its installation,
28 installs it for the protection of his or her personal property located
29 on the property of another, and does not install or monitor the system
30 as a normal company practice on the property of another; or

31 (h) A person or company entity whose sale of an alarm system is
32 exclusively over-the-counter or by mail order.

33 (2) Engineers and architects properly licensed by the state are
34 exempt from the registration and licensing requirements of this chapter
35 for the purposes of designing or planning alarm systems.

36 (3) Individuals, corporations, partnerships, associations,
37 organizations, or similar entities licensed by the state electrical

1 licensing unit of the department of labor and industries may install
2 conduit or wire for a system if they do not connect any devices or have
3 access to plans or designs for the complete system.

4 (4) This chapter does not supersede any state law that establishes
5 standards or qualifications for electricians or for electrical work
6 involved in the installation of burglar alarm systems.

7 (5) This chapter does not authorize an individual to perform
8 electrical work that otherwise requires an electrician's license under
9 any state law.

10 (6) The licensing requirements in this chapter do not apply to an
11 electrician who is: (a) Currently licensed in that occupation under
12 state law; (b) acting only within the scope of that occupation; and (c)
13 not installing alarm systems.

14 (7) An electrician may not personally provide alarm services unless
15 the electrician is licensed and registered under this chapter.

16 NEW SECTION. Sec. 3. An applicant must meet the following minimum
17 requirements to obtain an alarm system employee license:

18 (1) Be at least eighteen years of age;

19 (2) Be a citizen of the United States or a legal resident alien;

20 (3) Not have been convicted of a crime in any jurisdiction if the
21 director determines that the applicant's particular crime directly
22 relates to a capacity to perform the duties of an alarm technician and
23 the director determines that the license should be withheld to protect
24 the citizens of the state, notwithstanding the restoration of
25 employment rights act, chapter 9.96A RCW;

26 (4) Submit a set of fingerprints with the applicable fees for a
27 background check through the Washington state patrol and the federal
28 bureau of investigation;

29 (5) Be employed by or have an employment offer from a licensed
30 alarm system company;

31 (6) Pay the fee established by the director; and

32 (7) Submit a completed application that includes proper
33 identification on a form prescribed by the director for each company of
34 employment.

35 NEW SECTION. Sec. 4. (1) In addition to meeting the minimum
36 requirements to obtain a license as an alarm system employee, an

1 applicant, or, in the case of a partnership, each partner, or, in the
2 case of a corporation, the qualifying agent must meet the following
3 requirements to obtain a license to own or operate an alarm system
4 company:

- 5 (a) Be at least twenty-one years of age;
- 6 (b) Meet the insurance requirements of this chapter; and
- 7 (c) Pay any additional fees established by the director.

8 (2) If the qualifying agent upon whom the licensee relies to comply
9 with subsection (1) of this section ceases to perform his or her duties
10 on a regular basis, the licensee must promptly notify the director by
11 certified or registered mail. Within sixty days of sending
12 notification to the director, the licensee must obtain a substitute
13 qualifying agent who meets the requirements of this section. The
14 director may extend the period for obtaining a substitute qualifying
15 agent.

16 (3) A company license issued under this section may not be assigned
17 or transferred without prior written approval of the director.

18 (4) Any individual, corporation, partnership, association,
19 organization, or similar entity doing business as an alarm system
20 company in multiple locations within this state must have branch office
21 certificates for each of its offices located in this state. The
22 director shall grant branch office certificates for each branch, which
23 must be displayed at the branch office, upon payment of an appropriate
24 fee.

25 (5) No license to own or operate an alarm system company may be
26 issued to an applicant if the name of the company portrays the company
27 as a public law enforcement agency, or in association with a public law
28 enforcement agency, or includes the word "police."

29 **Sec. 5.** RCW 18.170.070 and 1995 c 277 s 5 are each amended to read
30 as follows:

31 (1) The director shall issue a private security guard license card
32 to each licensed private security guard (~~and~~), an armed private
33 security guard license card to each armed private security guard, and
34 an alarm system employee license to each licensed alarm system
35 employee.

- 36 (a) The license card may not be used as security clearance.

1 (b) A private security guard shall carry the license card whenever
2 he or she is performing the duties of a private security guard and
3 shall exhibit the card upon request.

4 (c) An armed private security guard shall carry the license card
5 whenever he or she is performing the duties of an armed private
6 security guard and shall exhibit the card upon request.

7 (d) An alarm system employee shall carry the license card whenever
8 he or she is performing the duties of an alarm system employee and
9 shall exhibit the card upon request.

10 (2) The director shall issue a license certificate to each licensed
11 private security company. The director shall issue a license
12 certificate to each licensed alarm system company.

13 (a) Within seventy-two hours after receipt of the license
14 certificate, the licensee shall post and display the certificate in a
15 conspicuous place in the principal office of the licensee within the
16 state.

17 (b) It is unlawful for any person holding a license certificate to
18 knowingly and willfully post the license certificate upon premises
19 other than those described in the license certificate or to materially
20 alter a license certificate.

21 (c) Every advertisement by a licensee that solicits or advertises
22 business shall contain the name of the licensee, the address of record,
23 and the license number as they appear in the records of the director.

24 (d) The licensee shall notify the director within thirty days of
25 any change in the licensee's officers or directors or any material
26 change in the information furnished or required to be furnished to the
27 director.

28 **Sec. 6.** RCW 18.170.080 and 1991 c 334 s 8 are each amended to read
29 as follows:

30 A licensed private security company or a licensed alarm system
31 company shall file and maintain with the director a certificate of
32 insurance as evidence that it has comprehensive general liability
33 coverage of at least twenty-five thousand dollars for bodily or
34 personal injury and twenty-five thousand dollars for property damage.

35 **Sec. 7.** RCW 18.170.110 and 2000 c 171 s 39 are each amended to
36 read as follows:

1 (1) A private security company or an alarm system company shall
2 notify the director within thirty days after the death or termination
3 of employment of any employee who is a licensed private security guard
4 ~~((~~or~~))~~, armed private security guard, or alarm system employee by
5 returning the license to the department with the word "terminated"
6 written across the face of the license, the date of termination, and
7 the signature of the principal or the principal's designee of the
8 private security guard company.

9 (2) A private security company shall notify the department within
10 seventy-two hours and the chief law enforcement officer of the county,
11 city, or town in which the private security guard ~~((~~or~~))~~, armed private
12 security guard, or alarm system employee was last employed immediately
13 upon receipt of information affecting his or her continuing eligibility
14 to hold a license under the provisions of this chapter.

15 (3) A private security guard company shall notify the local law
16 enforcement agency whenever an employee who is an armed private
17 security guard discharges his or her firearm while on duty other than
18 on a supervised firearm range. The notification shall be made within
19 ten business days of the date the firearm is discharged.

20 **Sec. 8.** RCW 18.170.120 and 1995 c 277 s 9 are each amended to read
21 as follows:

22 (1) Any person from another state that the director determines has
23 selection, training, and other requirements at least equal to those
24 required by this chapter, and who holds a valid license, registration,
25 identification, or similar card issued by the other state, may apply
26 for a private security guard license card ~~((~~or~~))~~, armed private
27 security guard license card, or alarm system employee card on a form
28 prescribed by the director. Upon receipt of a processing fee to be
29 determined by the director, the director shall issue the individual a
30 private security guard license card ~~((~~or~~))~~, armed private security
31 guard license card, or alarm system employee card.

32 (2) A valid private security guard license, registration,
33 identification, or similar card issued by any other state of the United
34 States is valid in this state for a period of ninety days, but only if
35 the licensee is on temporary assignment as a private security guard for
36 the same employer that employs the licensee in the state in which he or
37 she is a permanent resident.

1 (3) A person from another state on temporary assignment in
2 Washington may not solicit business in this state or represent himself
3 or herself as licensed in this state.

4 **Sec. 9.** RCW 18.170.130 and 1995 c 277 s 10 are each amended to
5 read as follows:

6 (1) Applications for licenses required under this chapter shall be
7 filed with the director on a form provided by the director. The
8 director may require any information and documentation that reasonably
9 relates to the need to determine whether the applicant meets the
10 criteria.

11 (2) After receipt of an application for a license, the director
12 shall conduct an investigation to determine whether the facts set forth
13 in the application are true and shall request that the Washington state
14 patrol compare the fingerprints submitted with the application to
15 fingerprint records available to the Washington state patrol. The
16 Washington state patrol shall forward the fingerprints of applicants
17 for an armed private security guard license to the Federal Bureau of
18 Investigation for a national criminal history records check. The
19 director may require that fingerprint cards of licensees be
20 periodically reprocessed to identify criminal convictions subsequent to
21 registration.

22 ~~(3) ((The director shall solicit comments from the chief law
23 enforcement officer of the county and city or town in which the
24 applicant's employer is located on issuance of a permanent private
25 security guard license.~~

26 ~~(4))~~) A summary of the information acquired under this section, to
27 the extent that it is public information, shall be forwarded by the
28 department to the applicant's employer.

29 **Sec. 10.** RCW 18.170.160 and 1995 c 277 s 11 are each amended to
30 read as follows:

31 (1) After June 30, 1992, any person who performs the functions and
32 duties of a private security guard in this state without being licensed
33 in accordance with this chapter, or any person presenting or attempting
34 to use as his or her own the license of another, or any person who
35 gives false or forged evidence of any kind to the director in obtaining
36 a license, or any person who falsely impersonates any other licensee,

1 or any person who attempts to use an expired or revoked license, or any
2 person who violates any of the provisions of this chapter is guilty of
3 a gross misdemeanor.

4 (2) After January 1, 1992, a person is guilty of a gross
5 misdemeanor if he or she owns or operates a private security company in
6 this state without first obtaining a private security company license.

7 (3) After June 30, 1992, the owner or qualifying agent of a private
8 security company is guilty of a gross misdemeanor if he or she employs
9 an unlicensed person to perform the duties of a private security guard
10 without issuing the employee a valid temporary registration card if the
11 employee does not have in his or her possession a permanent private
12 security guard license issued by the department. This subsection does
13 not preclude a private security company from requiring applicants to
14 attend preassignment training classes or from paying wages for
15 attending the required preassignment training classes.

16 (4) After June 30, 1992, a person is guilty of a gross misdemeanor
17 if he or she performs the functions and duties of an armed private
18 security guard in this state unless the person holds a valid armed
19 private security guard license issued by the department.

20 (5) After June 30, 1992, it is a gross misdemeanor for a private
21 security company to hire, contract with, or otherwise engage the
22 services of an unlicensed armed private security guard knowing that he
23 or she does not have a valid armed private security guard license
24 issued by the director.

25 (6) Any person who performs the functions and duties of an alarm
26 system employee in this state without being licensed in accordance with
27 the provisions of this chapter, or any person presenting or attempting
28 to use as his or her own the license of another, or any person who
29 gives false or forged evidence of any kind to the director in obtaining
30 a license, or any person who falsely impersonates any other licensee,
31 or any person who attempts to use an expired or revoked license, or any
32 person who violates any of the provisions of this chapter is guilty of
33 a gross misdemeanor.

34 (7) The owner or qualifying agent of an alarm system company is
35 guilty of a gross misdemeanor if the owner or qualifying agent employs
36 any person to perform the duties of an alarm system employee without
37 the employee having in the employee's possession a permanent alarm
38 system employee license issued by the department.

1 (8) It is a gross misdemeanor for a person to possess or use any
2 vehicle or equipment displaying the word "police" or "law enforcement
3 officer" or having any sign, shield, marking, accessory, or insignia
4 that indicates that the equipment or vehicle belongs to a public law
5 enforcement agency.

6 ~~((+7))~~ (9) It is a gross misdemeanor for any person who performs
7 the functions and duties of a private security guard or an alarm system
8 employee to use any name that includes the word "police" or "law
9 enforcement" or that portrays the individual or a business as a public
10 law enforcement agency.

11 ~~((+8))~~ (10) It is the duty of all officers of the state and
12 political subdivisions thereof to enforce the provisions of this
13 chapter. The attorney general shall act as legal adviser of the
14 director, and render such legal assistance as may be necessary in
15 carrying out the provisions of this chapter.

16 **Sec. 11.** RCW 18.170.300 and 2004 c 50 s 3 are each amended to read
17 as follows:

18 (1) The director has the authority to negotiate reciprocity
19 agreements with other states allowing licensed security officers from
20 Washington to work in those other states.

21 (2) The director has the right to enter into reciprocity agreements
22 with other jurisdictions whose requirements for alarm system companies
23 are equal to the requirements of this chapter.

24 NEW SECTION. **Sec. 12.** A new section is added to chapter 9.96A RCW
25 to read as follows:

26 This chapter is not applicable to the department of licensing with
27 respect to issuing an alarm system employee license under section 3 of
28 this act.

29 NEW SECTION. **Sec. 13.** Sections 3 and 4 of this act are each added
30 to chapter 18.170 RCW.

31 NEW SECTION. **Sec. 14.** This act takes effect one year after the
32 date of passage of this act.

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